

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1677

Introduced by Assembly Member Caballero

January 25, 2010

~~An act relating to water resources.~~ *An act to amend Sections 29725 and 32330 of the Public Resources Code, and to amend Sections 10608.20 and 10608.26 of the Water Code, relating to public resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1677, as amended, Caballero. ~~Water~~ Public resources.

Existing law imposes various water use reduction requirements that apply to urban retail water suppliers and agricultural water suppliers. The requirements include a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. For the purpose of meeting this goal, an urban retail water supplier is required to develop urban water use targets and an interim water use target by July 1, 2011, and to take other related actions. Existing law requires an urban retail water supplier that supplies water to a United States Department of Defense military installation, for the purpose of preparing an implementation plan to comply with these water use reduction provisions, to consider specified requirements.

Existing law requires an urban water supplier to prepare and adopt, and update every 5 years, an urban water management plan. Existing law grants a specified extension to an urban retail water supplier for the adoption of an urban water management plan that is due in 2010, to allow use of certain technical methodologies that the Department of Water Resources is required to develop for purposes of those water use reduction provisions.

This bill would grant that extension to an urban wholesale water supplier, as specified. The bill would revise the requirements that apply to an urban retail water supplier that supplies water to that described military installation by requiring the supplier to consider the prior water conservation of that military installation for the purpose of preparing that implementation plan.

Existing law establishes in the Natural Resources Agency the Sacramento-San Joaquin Delta Conservancy, to act as a primary state agency to implement ecosystem restoration in the Sacramento-San Joaquin Delta (Delta) and to support efforts that advance environmental protection and the economic well-being of Delta residents. Existing law specifies the composition of the board of the conservancy, including 10 liaison advisers who serve in an advisory, nonvoting capacity, including one representative of the United States National Marine Fisheries Service, which is within the United States Department of Commerce.

This bill would delete the Secretary of the Interior as the appointing entity and would, instead, designate the Secretary of Commerce as the appointing entity.

The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 (Delta Protection Act) creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Delta. The Delta Protection Act also requires the commission to adopt, not later than July 1, 2011, an economic sustainability plan containing specified elements and requires the commission to review and, as determined to be necessary, amend the plan every 5 years. The Delta Protection Act defines the term “local government” for its purposes to include specified counties and cities.

This bill would correct a misspelling in that definition.

~~Existing law requires various state and local agencies to administer programs relating to water supply, water conservation, water rights, water quality, flood management, and groundwater. Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs.~~

~~This bill would state the intent of the Legislature to enact legislation to make necessary changes to statutes relating to water resources enacted during the 2009–10 7th Extraordinary Session of the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 29725 of the Public Resources Code is*
2 *amended to read:*

3 29725. “Local government” means the Counties of Contra
4 Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities
5 of Sacramento, Stockton, Tracy, Antioch, Pittsburg, ~~Osladin~~
6 Isleton, Lathrop, Brentwood, West Sacramento, and Oakley, and
7 any other cities that may be incorporated in the future in the
8 primary zone.

9 *SEC. 2. Section 32330 of the Public Resources Code is*
10 *amended to read:*

11 32330. The board shall consist of 11 voting members and two
12 nonvoting members, appointed or designated as follows:

13 (a) The 11 voting members of the board shall consist of all of
14 the following:

15 (1) The Secretary of the Natural Resources Agency, or his or
16 her designee.

17 (2) The Director of Finance, or his or her designee.

18 (3) One member of the board or a designee who is appointed
19 by the Contra Costa County Board of Supervisors, who is a resident
20 of that county.

21 (4) One member of the board or a designee who is appointed
22 by the Sacramento County Board of Supervisors, who is a resident
23 of that county.

24 (5) One member of the board or a designee who is appointed
25 by the San Joaquin County Board of Supervisors, who is a resident
26 of that county.

27 (6) One member of the board or a designee who is appointed
28 by the Solano County Board of Supervisors, who is a resident of
29 that county.

30 (7) One member of the board or a designee who is appointed
31 by the Yolo County Board of Supervisors, who is a resident of that
32 county.

33 (8) Two public members appointed by the Governor, subject to
34 confirmation by the Senate.

35 (9) One public member appointed by the Senate Committee on
36 Rules.

37 (10) One public member appointed by the Speaker of the
38 Assembly.

(b) The two nonvoting members shall consist of a Member of the Senate, appointed by the Senate Committee on Rules, and a Member of the Assembly, appointed by the Speaker of the Assembly. The members appointed under this subdivision shall meet with the conservancy and participate in its activities to the extent that this participation is not incompatible with their positions as Members of the Legislature. The appointed members shall represent a district that encompasses a portion of the Delta.

(c) Ten liaison advisers who shall serve in an advisory, nonvoting capacity shall consist of all of the following:

(1) One representative of the United States Fish and Wildlife Service, designated by the United States Secretary of the Interior.

(2) One representative of the United States National Marine Fisheries Service, designated by the United States Secretary of the Interior *Commerce*.

(3) One representative of the United States Bureau of Reclamation, designated by the United States Secretary of the Interior.

(4) One representative of the United States Army Corps of Engineers, designated by the Commanding Officer, United States Army Corps of Engineers, South Pacific Division.

(5) A designee of the San Francisco Bay Conservation and Development Commission for coordination purposes.

(6) A designee of the State Coastal Conservancy for coordination purposes.

(7) A designee of the Suisun Resource Conservation District for coordination purposes.

(8) A designee of the Central Valley Flood Protection Board.

(9) A designee of the Yolo Basin Foundation.

(10) A designee of the Delta Protection Commission.

(d) The public members appointed by the Governor shall serve for a term of four years, with a two-term limit.

(e) The locally appointed members and alternates shall serve at the pleasure of the appointing board of supervisors.

(f) The public members appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve for a term of four years, with a two-term limit.

(g) The Members of the Senate and Assembly shall serve at the pleasure of the appointing body.

1 (h) Alternates may be appointed by the county boards of
2 supervisors.

3 *SEC. 3. Section 10608.20 of the Water Code is amended to*
4 *read:*

5 10608.20. (a) (1) Each urban retail water supplier shall
6 develop urban water use targets and an interim urban water use
7 target by July 1, 2011. Urban retail water suppliers may elect to
8 determine and report progress toward achieving these targets on
9 an individual or regional basis, as provided in subdivision (a) of
10 Section 10608.28, and may determine the targets on a fiscal year
11 or calendar year basis.

12 (2) It is the intent of the Legislature that the urban water use
13 targets described in ~~subdivision (a)~~ *paragraph (1)* cumulatively
14 result in a 20-percent reduction from the baseline daily per capita
15 water use by December 31, 2020.

16 (b) An urban retail water supplier shall adopt one of the
17 following methods for determining its urban water use target
18 pursuant to subdivision (a):

19 (1) Eighty percent of the urban retail water supplier's baseline
20 per capita daily water use.

21 (2) The per capita daily water use that is estimated using the
22 sum of the following performance standards:

23 (A) For indoor residential water use, 55 gallons per capita daily
24 water use as a provisional standard. Upon completion of the
25 department's 2016 report to the Legislature pursuant to Section
26 10608.42, this standard may be adjusted by the Legislature by
27 statute.

28 (B) For landscape irrigated through dedicated or residential
29 meters or connections, water efficiency equivalent to the standards
30 of the Model Water Efficient Landscape Ordinance set forth in
31 Chapter 2.7 (commencing with Section 490) of Division 2 of Title
32 23 of the California Code of Regulations, as in effect the later of
33 the year of the landscape's installation or 1992. An urban retail
34 water supplier using the approach specified in this subparagraph
35 shall use satellite imagery, site visits, or other best available
36 technology to develop an accurate estimate of landscaped areas.

37 (C) For commercial, industrial, and institutional uses, a
38 10-percent reduction in water use from the baseline commercial,
39 industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

(B) Consider population density differences within the state.

(C) Provide flexibility to communities and regions in meeting the targets.

(D) Consider different levels of per capita water use according to plant water needs in different regions.

(E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.

(F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

(c) If the department adopts a regulation pursuant to paragraph (4) of subdivision (b) that results in a requirement that an urban retail water supplier achieve a reduction in daily per capita water use that is greater than 20 percent by December 31, 2020, an urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may limit its urban water use target to a reduction of not more than 20 percent by December 31, 2020, by adopting the method described in paragraph (1) of subdivision (b).

(d) The department shall update the method described in paragraph (4) of subdivision (b) and report to the Legislature by December 31, 2014. An urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may adopt a new urban daily per capita water use target pursuant to this updated method.

1 (e) An urban retail water supplier shall include in its urban water
2 management plan required pursuant to Part 2.6 (commencing with
3 Section 10610) due in 2010 the baseline daily per capita water use,
4 urban water use target, interim urban water use target, and
5 compliance daily per capita water use, along with the bases for
6 determining those estimates, including references to supporting
7 data.

8 (f) When calculating per capita values for the purposes of this
9 chapter, an urban retail water supplier shall determine population
10 using federal, state, and local population reports and projections.

11 (g) An urban retail water supplier may update its 2020 urban
12 water use target in its 2015 urban water management plan required
13 pursuant to Part 2.6 (commencing with Section 10610).

14 (h) (1) The department, through a public process and in
15 consultation with the California Urban Water Conservation
16 Council, shall develop technical methodologies and criteria for
17 the consistent implementation of this part, including, but not limited
18 to, both of the following:

19 (A) Methodologies for calculating base daily per capita water
20 use, baseline commercial, industrial, and institutional water use,
21 compliance daily per capita water use, gross water use, service
22 area population, indoor residential water use, and landscaped area
23 water use.

24 (B) Criteria for adjustments pursuant to subdivisions (d) and
25 (e) of Section 10608.24.

26 (2) The department shall post the methodologies and criteria
27 developed pursuant to this subdivision on its Internet Web site,
28 and make written copies available, by October 1, 2010. An urban
29 retail water supplier shall use the methods developed by the
30 department in compliance with this part.

31 (i) (1) The department shall adopt regulations for
32 implementation of the provisions relating to process water in
33 accordance with subdivision (l) of Section 10608.12, subdivision
34 (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

35 (2) The initial adoption of a regulation authorized by this
36 subdivision is deemed to address an emergency, for purposes of
37 Sections 11346.1 and 11349.6 of the Government Code, and the
38 department is hereby exempted for that purpose from the
39 requirements of subdivision (b) of Section 11346.1 of the
40 Government Code. After the initial adoption of an emergency

1 regulation pursuant to this subdivision, the department shall not
2 request approval from the Office of Administrative Law to readopt
3 the regulation as an emergency regulation pursuant to Section
4 11346.1 of the Government Code.

5 (j) *(1)* An urban retail water supplier ~~shall be~~ *is* granted an
6 extension to July 1, 2011, for adoption of an urban water
7 management plan pursuant to Part 2.6 (commencing with Section
8 10610) due in 2010 to allow *the* use of technical methodologies
9 developed by the department pursuant to paragraph (4) of
10 subdivision (b) and subdivision (h). An urban retail water supplier
11 that adopts an urban water management plan due in 2010 that does
12 not use the methodologies developed by the department pursuant
13 to subdivision (h) shall amend the plan by July 1, 2011, to comply
14 with this part.

15 *(2)* An urban wholesale water supplier whose urban water
16 management plan prepared pursuant to Part 2.6 (commencing
17 with Section 10610) was due and not submitted in 2010 is granted
18 an extension to July 1, 2011, to allow the use of technical
19 methodologies referenced in paragraph (1).

20 SEC. 4. Section 10608.26 of the Water Code is amended to
21 read:

22 10608.26. (a) In complying with this part, an urban retail water
23 supplier shall conduct at least one public hearing to accomplish
24 all of the following:

25 (1) Allow community input regarding the urban retail water
26 supplier's implementation plan for complying with this part.

27 (2) Consider the economic impacts of the urban retail water
28 supplier's implementation plan for complying with this part.

29 (3) Adopt a method, pursuant to subdivision (b) of Section
30 10608.20, for determining its urban water use target.

31 (b) In complying with this part, an urban retail water supplier
32 may meet its urban water use target through efficiency
33 improvements in any combination among its customer sectors. An
34 urban retail water supplier shall avoid placing a disproportionate
35 burden on any customer sector.

36 (c) For an urban retail water supplier that supplies water to a
37 United States Department of Defense military installation, the
38 urban retail water supplier's implementation plan for complying
39 with this part shall consider the ~~United States Department of~~
40 ~~Defense military installation's requirements prior water~~

1 *conservation of that military installation under federal Executive*
2 *Order 13423 13514 and any subsequent presidential executive*
3 *order governing water conservation by federal agencies.*

4 (d) (1) Any ordinance or resolution adopted by an urban retail
5 water supplier after the effective date of this section shall not
6 require existing customers as of the effective date of this section,
7 to undertake changes in product formulation, operations, or
8 equipment that would reduce process water use, but may provide
9 technical assistance and financial incentives to those customers to
10 implement efficiency measures for process water. This section
11 shall not limit an ordinance or resolution adopted pursuant to a
12 declaration of drought emergency by an urban retail water supplier.

13 (2) This part shall not be construed or enforced so as to interfere
14 with the requirements of Chapter 4 (commencing with Section
15 113980) to Chapter 13 (commencing with Section 114380),
16 inclusive, of Part 7 of Division 104 of the Health and Safety Code,
17 or any requirement or standard for the protection of public health,
18 public safety, or worker safety established by federal, state, or
19 local government or recommended by recognized standard setting
20 organizations or trade associations.

21 ~~SECTION 1. It is the intent of the Legislature to enact~~
22 ~~legislation to make necessary changes to statutes relating to water~~
23 ~~resources enacted during the 2009-10 Seventh Extraordinary~~
24 ~~Session of the Legislature.~~